

**AGENDA**  
**HOUSE JUDICIARY COMMITTEE**  
**April 12, 2016**

There will be a meeting of the House Judiciary Committee on **Tuesday, April 12, 2016 at 2:30 pm, or one and one-half hours upon adjournment of the House, whichever is later, in Room 516** of the Blatt Building, Columbia, South Carolina. *The Judiciary committee staff has attempted to contact the interested parties of all bills listed on the agenda for this meeting.*

**I. GENERAL LAWS SUBCOMMITTEE**

**Favorable with Amendment**

**H. 4492** -- Reps. Putnam, Clyburn, Collins, Clary, Erickson, Long, Ryhal, Herbkerson, Newton, Tinkler, Jordan, Hicks, McCoy, M.S. McLeod, Douglas, Henegan, Allison, G.M. Smith, Funderburk and Finlay: A BILL TO AMEND SECTION 63-7-1630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTICE OF CHILD ABUSE AND NEGLECT HEARINGS, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE TEN DAYS NOTICE OF A HEARING TO, AMONG OTHERS, FOSTER PARENTS AND TO REQUIRE THE NOTICE TO INFORM FOSTER PARENTS OF THE RIGHT TO SUBMIT A REPORT TO THE COURT; TO AMEND SECTION 63-7-1700, AS AMENDED, RELATING TO PERMANENCY PLANNING FOR CHILDREN IN FOSTER CARE, SO AS TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE OF A PERMANENCY PLANNING HEARING TO FOSTER PARENTS AND OTHER PERSONS PROVIDING CARE FOR A CHILD; AND TO AMEND SECTION 63-11-720, RELATING TO FUNCTIONS OF THE FOSTER CARE REVIEW BOARD, SO AS TO REQUIRE THE FOSTER CARE REVIEW BOARD TO ADVISE FOSTER PARENTS ABOUT THE RIGHT TO SUBMIT A REPORT TO AND BE HEARD BY THE COURT AT A HEARING CONCERNING THE CHILD.

**Favorable with Amendment**

**H. 4493** -- Reps. Putnam, Collins, Clary, Erickson, Long, Ryhal, Herbkerson, Tinkler, Hicks, McCoy, M.S. McLeod, Douglas, Henegan, Allison, Quinn, Funderburk and Finlay: A BILL TO AMEND SECTION 63-7-2310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROTECTION AND NURTURING OF CHILDREN IN FOSTER CARE, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO GIVE FIRST CONSIDERATION TO CERTAIN FOSTER PARENTS TO ADOPT FOSTER CHILDREN.

**Favorable with Amendment**

**H. 4546** -- Reps. Putnam, Clyburn, Robinson-Simpson, Thayer, Collins, Clary, Erickson, Long, Ryhal, Herbkerson, Newton, Jordan, Hicks, McCoy, M.S. McLeod, Douglas, Henegan, Allison, Quinn, Funderburk and Finlay: A BILL TO AMEND SECTION 63-7-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN THE CHILDREN'S CODE, SO AS TO ADD DEFINITIONS FOR "AGE-APPROPRIATE ACTIVITY", "CAREGIVER", AND "STANDARD OF CARE OF A REASONABLE AND PRUDENT PARENT"; TO AMEND SECTION 63-7-1700, AS AMENDED, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR COURT CONSIDERATION OF LOCAL FOSTER CARE REVIEW BOARD RECOMMENDATIONS, TO REQUIRE THE COURT TO TAKE INTO CONSIDERATION RECOMMENDATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, THE LOCAL FOSTER CARE REVIEW BOARD, AND THE

GUARDIAN AD LITEM BEFORE APPROVING A PLACEMENT PLAN, AND TO REQUIRE THE COURT TO REVIEW THE DEPARTMENT’S EFFORTS TO ENSURE A FOSTER CHILD HAS THE OPPORTUNITY TO ENGAGE IN AGE-APPROPRIATE ACTIVITIES;

**Favorable**

**H. 3229** -- Reps. Merrill, Stavrinakis, McCoy and G.R. Smith: A BILL TO AMEND SECTIONS 61-6-1140 AND 61-6-1150, BOTH RELATED TO TASTINGS AND RETAIL SALES OF ALCOHOLIC LIQUORS AT LICENSED PREMISES OF A MICRO-DISTILLERY OR MANUFACTURER, SO AS TO REVISE THE OUNCE AMOUNT OF ALCOHOLIC LIQUORS DISPENSED AT LICENSED PREMISES AND TO REVISE THE SALE AT RETAIL OF ALCOHOLIC LIQUORS AT LICENSED PREMISES AND TO ALLOW MIXERS TO BE USED IN TASTINGS.

**Favorable with Amendment**

**H. 4835** -- Reps. Erickson, Johnson, Delleney, Loftis, Finlay, Brannon, M.S. McLeod, Pope, Thayer, Long, Atwater, Knight, McCoy, Henegan, Douglas, Horne, Allison, Goldfinch, Gambrell, Newton, Riley, Collins, Clemmons, Duckworth, Funderburk, Gagnon, Henderson, Hicks, D.C. Moss and G.R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE “SUPPORTING AND STRENGTHENING FAMILIES ACT” TO ALLOW PARENTS AND PERSONS WITH LEGAL CUSTODY OF A CHILD TO DELEGATE CAREGIVING AUTHORITY FOR THE CHILD TEMPORARILY TO AN ADULT BY EXECUTION OF A POWER OF ATTORNEY, TO PROVIDE FOR THE REQUIREMENTS AND LIMITATIONS OF THE DELEGATION OF CAREGIVING AUTHORITY AND THE RIGHT TO REVOKE THE POWER OF ATTORNEY, AND FOR OTHER PURPOSES; TO AMEND SECTION 63-7-920, AS AMENDED, RELATING TO INVESTIGATIONS OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE CERTAIN INFORMATION ABOUT COMMUNITY SUPPORTIVE SERVICES TO A PARENT WHEN THE INVESTIGATION DOES NOT RESULT IN PLACEMENT OF THE CHILD OUTSIDE OF THE HOME; AND TO AMEND SECTION 63-13-20, RELATING TO THE DEFINITION OF A CHILDCARE FACILITY, SO AS TO EXCLUDE AN ADULT DESIGNATED AS AN ATTORNEY-IN-FACT FOR A CHILD IN A POWER OF ATTORNEY EXECUTED PURSUANT TO ARTICLE 7, CHAPTER 15, TITLE 63.

**Favorable**

**H. 4398** -- Reps. Clemmons, Yow, Burns and Pitts: A BILL TO AMEND SECTION 15-41-30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY EXEMPT FROM BANKRUPTCY PROCEEDINGS OR ATTACHMENT, LEVY, AND SALE, SO AS TO EXEMPT THREE FIREARMS OF ANY VALUE AND ONE THOUSAND ROUNDS OF AMMUNITION FOR EACH FIREARM OWNED BY THE DEBTOR.

## II.

## CONSTITUTIONAL LAWS SUBCOMMITTEE

### Favorable with Amendment

[H. 3952](#) -- Rep. Bannister: A BILL TO AMEND SECTION 44-17-410, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EMERGENCY ADMISSION OF A PERSON LIKELY TO CAUSE SERIOUS HARM TO HIMSELF OR OTHERS, SO AS TO ADD A PERSON WHO MAY BECOME GRAVELY DISABLED IF NOT IMMEDIATELY HOSPITALIZED; TO AMEND SECTION 44-17-430, AS AMENDED, RELATING TO THE EXAMINATION UNDER CUSTODY OF A PERSON REQUIRING IMMEDIATE HOSPITALIZATION WHEN EXAMINATION IS NOT OTHERWISE POSSIBLE, SO AS TO ADD A PERSON WHO MAY BECOME GRAVELY DISABLED IF NOT IMMEDIATELY HOSPITALIZED; ETC.

## III.

## CRIMINAL LAWS SUBCOMMITTEE

### Favorable with Amendment

[H. 4547](#) -- Reps. Rutherford and Hosey: A BILL TO AMEND SECTION 63-19-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF “CHILD” AND “JUVENILE” IN THE JUVENILE JUSTICE CODE, SO AS TO CHANGE THE AGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE, WITH EXCEPTIONS; TO AMEND SECTIONS 63-19-1030, 63-19-1210, 63-19-1410, 63-19-1420, 63-19-1440, AS AMENDED, 63-19-1650, AND 63-19-2050, AS AMENDED, ALL RELATING TO JUVENILE JUSTICE, SO AS TO MAKE CONFORMING CHANGES.

### Favorable

[H. 4763](#) -- Reps. Pope, D.C. Moss, Yow, Hardee, Duckworth, Johnson, Goldfinch, Southard, Long, Felder, Taylor, George, Simrill, Jordan, Chumley, Clemmons, Sandifer, Wells, Whitmire and Funderburk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1-7-180 SO AS TO CREATE THE INTERNET CRIMES AGAINST CHILDREN FUND TO INVESTIGATE, PROSECUTE, AND PREVENT INTERNET CRIMES AGAINST CHILDREN; AND TO AMEND SECTIONS 14-1-206, 14-1-207, AND 14-1-208, ALL AS AMENDED, ALL RELATING TO ADDITIONAL ASSESSMENTS IMPOSED BY CERTAIN COURTS, SO AS TO REVISE THE AMOUNT OF AN ASSESSMENT THAT A PERSON MUST PAY.

### Favorable

[H. 3133](#) -- Reps. Rutherford, G.R. Smith and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-3-462 SO AS TO PROVIDE THAT A COUNTY SOLICITOR MUST PETITION THE FAMILY COURT TO REQUIRE A PERSON TO CONTINUE TO REGISTER AS A SEX OFFENDER WHO IS A REGISTERED JUVENILE SEX OFFENDER, WHO IS AT LEAST TWENTY-ONE YEARS OF AGE, OR HAS BEEN RELEASED FROM THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE, TO PROVIDE THAT THE PERSON MUST CONTINUE TO REGISTER AS A SEX OFFENDER IF THE FAMILY COURT DETERMINES THAT HE IS LIKELY TO OR POSES AN ONGOING THREAT TO THE PUBLIC, AND TO PROVIDE THAT IF NO PETITION IS FILED WITHIN NINETY DAYS FOLLOWING THE TWENTY-FIRST BIRTHDAY OF THE PERSON OR THE DATE OF HIS RELEASE FROM CUSTODY, ETC.

#### IV.

#### SPECIAL LAWS SUBCOMMITTEE

##### **Favorable**

**S. 338** -- Senators S. Martin and Bryant: A BILL TO AMEND ARTICLE 1, CHAPTER 13, TITLE 24 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS REGARDING PRISONERS, BY ADDING SECTION 24-13-180 TO PROVIDE THAT ANY PUBLIC, PRIVATE, OR NONPROFIT ENTITY WHICH IS ENGAGED IN HELPING TO REHABILITATE AND REINTRODUCE PAROLED PRISON INMATES INTO THE COMMUNITY AND WHICH AS A PART OF ITS PROGRAM PROVIDES RESIDENTIAL HOUSING IN THE COMMUNITY TO THESE PAROLEES MUST PROVIDE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COMMUNITY OF THE ADDRESSES WHERE THESE RESIDENTIAL HOUSING FACILITIES WILL BE LOCATED, AND ALSO MUST CONDUCT A PUBLIC HEARING REGARDING THE PROGRAM AND THE LOCATION OF THESE RESIDENTIAL HOUSING FACILITIES IN THE COMMUNITY WHERE THEY WILL BE LOCATED

##### **Favorable with Amendment**

**H. 3039** -- Reps. Daning, Cobb-Hunter, George, D.C. Moss, J.E. Smith and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 6 SO AS TO ENACT THE "DILAPIDATED BUILDINGS ACT", TO PROVIDE DEFINITIONS, TO PROVIDE THAT A COUNTY OR MUNICIPALITY MAY BRING A CAUSE OF ACTION AGAINST THE OWNER OF PROPERTY NOT IN SUBSTANTIAL COMPLIANCE WITH CERTAIN MUNICIPAL OR COUNTY ORDINANCES, TO IDENTIFY WHO MAY SERVE AS A COURT-APPOINTED RECEIVER FOR PROPERTY SUBJECT TO THIS CAUSE OF ACTION, TO DESIGNATE THE POWERS OF A COURT-APPOINTED RECEIVER, TO ESTABLISH REPORTING REQUIREMENTS OF THE COUNTY OR MUNICIPALITY CONCERNING A VIOLATION AGAINST WHICH THE COUNTY OR MUNICIPALITY MAY BRING A CAUSE OF ACTION UNDER THIS ACT, AND TO PROVIDE CERTAIN REMEDIES AND PROCEDURES.

#### V.

#### ELECTION LAWS SUBCOMMITTEE

##### **Favorable with Amendment**

[H. 3167](#)- Reps. Tallon, Long, G.R. Smith, Pitts, Toole, Pope, Simrill, Johnson, Felder, Kennedy, Jordan, Goldfinch, Clemmons, Duckworth, Fry, Hardee, Ryhal, Yow, Gagnon, Willis, Rutherford, Hixon, Taylor, Hill, Howard, Williams, Douglas, Dillard, Hayes, Daning, Crosby, George, Bales, Bradley, Murphy, Bannister, Delleney, Bingham, McKnight and Kirby: A BILL TO AMEND SECTION 7-13-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACCEPTABLE FORMS OF IDENTIFICATION REQUIRED OF A PERSON WHEN HE PRESENTS HIMSELF TO VOTE, SO AS TO INCLUDE A VALID AND CURRENT SOUTH CAROLINA RESIDENT CONCEALED WEAPON PERMIT AS AN AUTHORIZED FORM OF IDENTIFICATION.

##### **Favorable with Amendment**

[H. 5037](#) -- Reps. Quinn, Jefferson and Brannon: A BILL TO AMEND SECTION 7-15-385, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ABSENTEE VOTING AND MARKING OF BALLOTS, SO AS TO ELIMINATE THE AUTHORIZATION ALLOWING ANOTHER PERSON TO RETURN THE ABSENTEE BALLOT APPLICANT'S BALLOT FOR HIM,

AND TO ELIMINATE THE REQUIREMENT THAT THE ABSENTEE BALLOT APPLICANT'S OATH ON THE RETURN ENVELOPE BE WITNESSED.

**Favorable with Amendment**

**H. 3084** -- Reps. Jefferson, Southard, McKnight, Weeks, Whipper, Robinson-Simpson and Mitchell: A BILL TO AMEND SECTION 7-15-380, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OATH OF THE ABSENTEE BALLOT APPLICANT, SO AS TO ELIMINATE THE REQUIREMENT THAT THE ABSENTEE BALLOT APPLICANT'S OATH BE WITNESSED